

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KIMBERLY JOYCE HOWELL,

Plaintiff,

v.

FRANK BISIGNANO,  
Commissioner of Social Security<sup>1</sup>,

Defendant.

Case No. 1:25-cv-0135 JLT CDB (SS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND GRANTING  
PLAINTIFF'S UNOPPOSED MOTION FOR  
AWARD OF ATTORNEY'S FEES  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412(d)

(Doc. 16)

Kimberly Joyce Howell sought judicial review of the administrative decision denying her application for benefits. (Doc. 1.) The parties stipulated to a voluntary remand for further proceedings. On April 4, 2025, the Court approved the stipulation, remanded the case pursuant to sentence four of 42 U.S.C. § 405(g), and entered judgment in favor of Plaintiff. (Docs. 12, 13.) Plaintiff now seeks attorney's fees as a prevailing party pursuant to the Equal Access to Justice Act. (Doc. 14.) The Commissioner does not oppose the request. (Doc. 15.)

The magistrate judge evaluated the fees requested and found the amount was appropriate based upon the hourly rate requested, the tasks performed, and the results obtained by counsel. (Doc. 16 at 2-3.) Therefore, the magistrate judge recommended the Court grant the motion in the requested amount of \$1,070.32. (*Id.* at 3.)

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<sup>1</sup> Frank Bisignano became the Commissioner of Social Security on May 6, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Mr. Bisignano as the defendant in this suit.

1 The Court served the Findings and Recommendations on the parties and notified them that  
2 any objections were due within 14 days. (Doc. 16 at 3.) The Court advised the parties that the  
3 “failure to file objections within the specified time may result in the waiver of rights on appeal.”  
4 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Neither Plaintiff nor the  
5 Commissioner filed objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636 (b)(1), this Court performed a *de novo* review of the case.  
7 Having carefully reviewed the entire matter, the Court concludes the Findings and  
8 Recommendation are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendation issued on July 22, 2025 (Doc. 16) are  
10 **ADOPTED** in full.
- 11 2. Plaintiff’s unopposed motion for attorney’s fees pursuant to the EAJA (Doc. 14) is  
12 **GRANTED**.
- 13 3. Plaintiff is **AWARDED** fees in the amount of \$1,070.32.
- 14 4. Defendant **SHALL** pay the amount to Plaintiff, but if the Department of the  
15 Treasury determines that Plaintiff does not owe a federal debt, then the  
16 Government shall cause the payment of fees, expenses, and costs to be made  
17 directly to Plaintiff’s counsel.

18  
19 IT IS SO ORDERED.

20 Dated: **August 7, 2025**

  
UNITED STATES DISTRICT JUDGE